

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

Crl. Revision No. 223 of 2016

Date of decision : 12.05.2016

Vashdev and another

..... Petitioners

versus

State of Haryana

... Respondent

CORAM:- HON'BLE MRS. JUSTICE ANITA CHAUDHRY

Present: Mr. Ashit Malik, Advocate for the petitioner

Ms. Mahima Yashpal, AAG Haryana

ANITA CHAUDHRY, J. (ORAL)

This revision petition is directed against the order dated 10.12.2015 passed on the application filed under Section 319 Cr.P.C. whereby the petitioners who are the father-in-law and mother-in-law have been summoned to face trial in FIR No. 152 dated 09.05.2015 registered under Section 304-B read with Section 34 IPC at Police Station Civil Lines, Sonapat, District Sonapat.

The contention of the petitioner is that a complaint was given wherein all the in-laws were named but the police had challenged the husband and after commitment of case, the complainant had moved an application under Section 193 Cr.P.C. which was dismissed vide order Annexure P-4 and thereafter the trial started. The counsel urges that after the statement of the complainant was recorded an application under Section 319 Cr.P.C. was moved which has been allowed by the trial Court. It was urged that there was no fresh evidence and it was the same evidence which was before the Court which had earlier dismissed the application under Section 193 Cr.P.C. and the complainant had indulged in embellishment

when she had stated that there was a call made by the deceased to the mother. He further states that the petitioners were living separately for the last 7 months, therefore, the police had not challaned the in-laws.

Learned counsel for the State submits that death had taken place in the matrimonial home within 3 years of the marriage. She further submits that out of 12 witnesses 8 witnesses have already been examined and the trial is at the fag end and the next date before the Court below is 25.05.2016. She also states that the call records had been obtained and the police had found that a call was made to the mother on the date of incident and there are specific allegations by name against both the petitioners.

The trial had commenced and all the private witnesses have been examined and only 4 witnesses remain to be examined. Even otherwise, I am not inclined to interfere in the order. The powers have been given to the Sessions Judge to summon a person as additional accused after committal of case under Section 193 Cr.P.C. The Court in this case did not chose to exercise the power then and had given its reasons. It had noted that the in-laws who were involved were not specifically named. After the evidence had started, an application under Section 319 Cr.P.C. was moved and specific role has been assigned . The Court had arrived at a conclusion that there was a material to summon the additional accused.

I am not inclined to interfere in the order passed by the Court below as there is no infirmity in the same.

The petition is dismissed.

May 12, 2016

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**(ANITA CHAUDHRY)
JUDGE**